

REMARKS

This Amendment is in response to the Office Action dated May 20, 2010. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks.

I. CLAIM REJECTIONS – 35 USC § 112

Claims 1, 3 and 7 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that Claims 1, 3 and 7 are indefinite because of the wording "...authorize any coupling...".

In amended claims 1, 3 and 7 submitted herewith, this wording has been replaced by "...authorize every coupling to the listening port for which a request has been received by the signalling port...".

This amendment aims at clarifying the fact that when the intermediate device is in the default access mode, each request made for a coupling with the listening mode will be granted, regardless of the sender of the request.

The Examiner states that Claims 3 and 7 are indefinite because of the wording "...the intermediate device is deemed to authorize...".

In amended claims 3 and 7 submitted herewith, this wording has been replaced by "...the intermediate device authorizes...", which is a positive recitation and is thus allowable.

In addition, several formatting amendments have been made to place the claims in a format more consistent with U.S. practice. These amendments are not made in view of any prior art reference.

II. CLAIM REJECTIONS – 35 USC § 103

Claims 1-10 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Shanbhag et al., U.S. Publication No. 2003/0063581 in view of Banker et al., U.S. Publication No. 2005/0013310 A1.

The Examiner states that Shanbag discloses all features of Claims 1, 3 and 7, except for the feature according to which a transmitter and a receiver are coupled to the listening port, which the Examiner states is disclosed in Banker et al.

The applicant disagrees with this statement. Indeed, two essential features of Claims 1, 3 and 7 are not disclosed in Shanbag.

Shanbag does not disclose an intermediate device having **at least one signalling port** and at least one listening port. According to the specification and claims of the present patent application, the listening port is an entity to which the transmitter and receiver are intended to be coupled, e.g., entity Q1 in Fig.1 of the present application.

The listening port hence encompasses both the upstream and the downstream ports disclosed in Shanbag (see in particular ports 50a and 50b in Fig.1 and paragraph [0017]), so that **Shanbag only discloses an intermediate device having a listening port and no signalling port.** Shanbag thus cannot teach that the intermediate device can be configured in a default access authorization mode, in which the intermediate device authorizes every coupling to the listening port **for which a request has been received by the signalling port.**

This feature is not disclosed in Banker either, so that the presently claimed inventions as defined by claims 1, 3 or 7, for example, could not be deduced from a combination of the teachings of Shanbag and Banker.

Shanbag does not disclose the feature according to which the intermediate device can be configured **in a default access authorization mode**, in which **the intermediate device authorizes every coupling to the listening port** for which a request has been received by the signalling port.

Actually, Shanbag teaches exactly the contrary in its paragraphs [0018] and [0031]. Paragraph [0018] explains that a client has to be registered in a memory table in order to be allowed to access the internet, while paragraph [0031] clearly explains that upon detection of an access

request the identity of the wireless client is verified by the wireless content switch, which procedure generates an important quantity of protocol communication.

As explained in pages 3 and 4 of the present application, an exemplary embodiment of the present invention is precisely to reduce the amount of protocol communication required for establishing a communication between a transmitter and a receiver, which is obtained by configuring the intermediate device in default access authorization mode, which amounts to “short-circuiting” the signalling port since **in default mode**, the requests received by the intermediate device are automatically granted, i.e. **without any identity challenging and verifying process**.

This feature is not disclosed in Banker either, so that the presently claimed inventions could not be deduced from a combination of the teachings of Shanbag and Banker.

Accordingly, Applicant requests that the rejections of claims 1-10 under §103(a) be withdrawn.

III. CONCLUSION

The foregoing remarks are intended to assist the Office in examining the application and in the course of explanation may employ shortened or more specific or variant descriptions of some of the claim language. Such descriptions are not intended to limit the scope of the claims; the actual claim language should be considered in each case. Furthermore, the remarks are not to be considered exhaustive of the facets of the claims that are rendered patentable, being only examples of certain advantageous features and differences, which Applicants’ attorney chooses to mention at this time. For the foregoing reasons, Applicants reserve the right to submit additional evidence showing the distinction between Applicants’ claims to be new and unobvious in view of the prior art applied by the Examiner.

Furthermore, in commenting on the references and in order to facilitate a better understanding of the differences that are expressed in the claims, certain details of distinction have been mentioned, even though such differences do not appear in all of the claims. It is not intended by mentioning any such unclaimed distinctions to create any implied limitations in the claims.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: /David D. Brush/

David D. Brush, Reg. No. 34,557

900 Second Avenue South, Suite 1400

Minneapolis, Minnesota 55402-3319

Phone: (612) 334-3222 Fax: (612) 334-3312

DDB:dmm